

## REMARKS

Applicants have thoroughly considered the Office action mailed on January 11, 2007. Claims 1-3 and 5-48 have been amended, claim 49 has been added and claim 4 has been canceled by this Amendment A. Thus, claims 1-3 and 5-49 are presented in the application for further examination. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

### Claim Rejections under 35 U.S.C. § 101

Claims 45-48 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants disagree, but to further prosecution, claims 45-48 have been amended to recite "computer-readable **storage** medium". Paragraph 52 of the specification of the present application discloses that "computer readable media comprise computer storage media and communication media" and that "[c]omputer storage media include volatile and nonvolatile, removable and non-removable media implemented in any method or technology for storage of information such as computer readable instructions, data structures, program modules or other data." Thus, claims 45-48, as amended, are directed to computer-readable **storage** medium and are statutory. Therefore, Applicants request that the Examiner withdraw the rejection.

### Claim Rejections under 35 U.S.C. § 102

Claims 1-48 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Barr et al. U.S. Pat. No. 6,189,100 (hereafter Barr). A claim is anticipated only if each and every element as set forth in the claim is disclosed, either expressly or inherently in a single prior art reference.<sup>1</sup> Applicants respectfully submit that each and every element as set forth in the recited claims is not found, either expressly or inherently in the Barr reference. Thus, Barr does not anticipate the claims.

The Barr reference discloses a remote boot process which uses a secret to sign and seal data necessary to remotely boot a client from a server on a network. (Abstract). In particular, Barr discloses the initialization loader is downloaded to the client from the

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<sup>1</sup> M.P.E.P. § 2131. *See also Schering Corp. v. Geneva Pharmaceuticals*, 339 F.3d 1373, 1379 (Fed. Cir. 2003) (citing *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

server and executed on the client to authenticate the client. (Column 7, lines 9-20; FIG 3).

In contrast, claim 1, as amended, recites

A method of transferring via a network boot files from a server to a PXE client having a pre-OS environment **including PXE code**, comprising:

installing a PXE client certificate of authenticity in the PXE client;

requesting by the PXE client **using the PXE code** via the network that the server **transfer the boot files for execution by the PXE client to at least one of create, recreate, modify, expand and enhance an operating system for the PXE client**;

sending by the PXE client via the network the installed PXE client certificate of authenticity;

authenticating by the server of the PXE client by the received PXE client certificate of authenticity; sending by the server via the network a server certificate of authenticity to the PXE client in response to authenticating by the server of the PXE client;

authenticating by the PXE client of the server by the received server certificate of authenticity;

requesting by the authenticated PXE client **using the PXE code** via the network that the authenticated server transfer the boot files to the authenticated PXE client;

transferring the boot files from the authenticated server to the authenticated PXE client in response to the requesting by the authenticated PXE client;

authenticating by the authenticated PXE client of the transferred boot files; and

**executing by the authenticated PXE client of the authenticated boot files thereby creating, recreating, modifying, expanding or enhancing an operating system for the PXE client.**

And, added claim 49 recites "wherein **the PXE code of the PXE client** comprises: The Dynamic Host Configuration Protocol (DHCP) for allowing the PXE client to receive an IP address to gain access to the server via the network; a set of application program interfaces (API) for automating the booting of the operating system and other configuration steps on the PXE client; and a standard method of initializing the PXE code in the PXE ROM chip or boot disk of the PXE client."

The recitals are supported in the specification of the present application at, for example, pages 7-8, paragraphs 24-27. For example, the Preboot Execution Environment (PXE) is an industry standard client/server interface that allows networked computers that are not yet loaded with an operating system to be configured and booted remotely by

an administrator. (Page 8, paragraph 24). The PXE code is typically delivered with a new computer on a read only memory chip or boot disk that allows the computer (a client) to communicate with the network server so that the client machine can be remotely configured and its operating system can be remotely booted. (Page 8, paragraph 24). PXE code provides (1) The Dynamic Host Configuration Protocol (DHCP), (2) a set of application program interfaces (API) that automates the booting of the operating system and other configuration steps and (3) a standard method of initializing the PXE code in the PXE ROM chip or boot disk. (Page 8, paragraphs 25-27). Similarly, claims 2-48 have been amended to be directed to the PXE client. Although Column 9, lines 38-55 of Barr mentions boot files, it does not mention a PXE client **including PXE code or executing by the authenticated PXE client of the authenticated boot files thereby creating, recreating, modifying, expanding or enhancing an operating system for the PXE client** as recited in the claims. In light of the foregoing, Applicant submits claim 1 is allowable over the cited art. Independent claims 6, 13, 18, 23, 26, 30, 34, 38, 41, 45, 46, 47 and 48 should be allowed for at least the same reasons as claim 1. Claims 2, 3, 5, 7-12, 14-17, 19-22, 24, 25, 27-29, 31-33, 35-37, 39, 40 and 42-44 depend from claims 1, 6, 13, 18, 23, 26, 30, 34, 38 and 41 (respectively) and are allowable for at least the same reasons as claims 1, 6, 13, 18, 23, 26, 30, 34, 38 and 41.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

**Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.**

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/Frank R. Agovino/

Frank R. Agovino, Reg. No. 27,416  
SENNIGER POWERS  
One Metropolitan Square, 16th floor  
St. Louis, Missouri 63102  
(314) 231-5400

FRA/BAW/cjl